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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,) Case No. CR 08-0162 MAG

Plaintiff,)

v.)

PAUL ISAAC BARENFUS,)

Defendant.)

**DECLARATION OF NOAH ABRAMS
IN SUPPORT OF UNITED STATES'
MOTION FOR SUMMONS**

I, Noah Abrams, hereby declare as follows:

1. I am a law clerk in the United States Attorney's Office assigned to the prosecution of this case. I have received the following information from Officers employed by the United States Park Police and from reports and other documents provided to me by the United States Park Police.

2. On January 20, 2008, while conducting selective enforcement at the corner of Lombard and Letterman Ave., within the boundaries of the Presidio, United States Park Police Officer Michael Mertz ("Mertz") observed an oncoming vehicle traveling at a high rate of speed.

3. The vehicle then failed to stop at the stop sign at the intersection of Lombard Street and

Letterman Drive.

1 4. Mertz effected a traffic stop of the vehicle at the corner of Lincoln Boulevard and
2 Presidio Boulevard.

3 5. Mertz approached the vehicle and contacted the driver, later identified as Paul Isaac
4 Barenfus ("Defendant"). Mertz detected a strong odor of alcohol emanating from the Defendant
5 and noticed that he had red and watery eyes.

6 6. Mertz then ordered the Defendant out of the vehicle and asked if he had had anything to
7 drink that night; the defendant stated that he had consumed two beers.

8 7. Mertz directed the defendant to a well lit and flat sidewalk where he administered Field
9 Sobriety Tests ("FSTs") to the Defendant.

10 8. Mertz performed a Horizontal Gaze Nystagmus test on Defendant and observed a lack of
11 smooth pursuit in both of the Defendant's eyes. Mertz also observed a distinct nystagmus prior
12 to the onset of 45 degrees as well as distinct nystagmus at maximum deviation.

13 9. Mertz then performed the One Leg Stand test on the Defendant. After being instructed on
14 how to perform this test, the Defendant stated that he understood and had no questions. The
15 Defendant then lifted his right leg, held both hands out to his side to keep balance, and did not
16 have his leg fully extended six inches as instructed.

17 10. Mertz performed the Walk and Turn test on the Defendant. Again, the Defendant was
18 given verbal instructions on how to perform the test. The Defendant failed to walk heel to toe
19 during the test and did not pivot as instructed.

20 11. Mertz asked the Defendant to take a Preliminary Alcohol Screening Test ("PAS") but the
21 Defendant refused.

22 12. Mertz then placed the Defendant under arrest for driving under the influence. The
23 Defendant was informed of implied consent and consented to provide a breath test. The first
24 intoxilyzer reading resulted in a blood alcohol content ("BAC") of .138%. The second
25 intoxilyzer reading resulted in a BAC of .136%.

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1 13. I declare under penalty of perjury according to the laws of the United States that the
2 foregoing is true and correct to the best of my knowledge and belief.

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4 Executed March 24, 2008, at San Francisco, California.

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6
7 /s/
8 NOAH ABRAMS
9 Law Clerk
10 United States Attorney's Office
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